

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**EVAN AGUSTIN PEREZ,**

**Defendant.**

Defendant regarding his Motion to Vacate and that the Defendant now wishes to voluntarily dismiss the matter. [Doc. 37]. The Motion for an Order of Voluntary Dismissal indicates that the Government does not object. [Id. at 3].

The Defendant's unauthorized *pro se* "Withdrawal..." will be stricken. See generally McKaskle v. Wiggins, 465 U.S. 168, 183 (1984) (there is no right to "hybrid representation" in which defendant is represented both by himself and by counsel); Cain v. Peters, 972 F.2d 748, 750 (7<sup>th</sup> Cir.1992) (representation by counsel and self-representation are mutually exclusive entitlements in light of McKaskle).

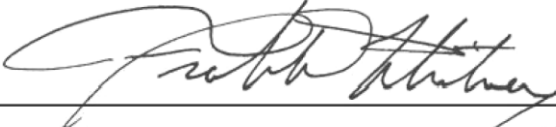
The Court has considered the relevant factors and counsel's unopposed Motion will be granted and this matter is dismissed without prejudice. See Fed. R. Civ. P. 41(a)(2); Howard v. Inova Health Care Servs., 302 F. App'x 166, 178-79 (4<sup>th</sup> Cir. 2008) (citation omitted). The Clerk will be instructed to cancel the scheduled evidentiary hearing.

**IT IS, THEREFORE, ORDERED**, that:

1. The Defendant's Motion for an Order of Voluntarily Dismissal of the Defendant's Motion to Vacate filed pursuant to 28 U.S.C. § 2255 [Doc. 37] is **GRANTED**.
2. The *pro se* Motion to Vacate [Doc. 27] is **DISMISSED WITHOUT PREJUDICE**.
3. The Defendant's *pro se* "Withdrawal of Appeal" [Doc. 35] is **STRICKEN**.

The Clerk is respectfully instructed to cancel the evidentiary hearing in this matter [see Docs. 32, 33] and to mail a copy of this Order to Mr. Perez.

Signed: February 13, 2025

  
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Frank D. Whitney  
Senior United States District Judge

